

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN DOE,)	
)	CASE NUMBER:
)	2:21-CV-20706-MEF-ESK
Plaintiff,)	
)	
v.)	
)	
BAILA SEBROW)	<i>CERTIFICATION OF ATTORNEY IN</i>
)	<i>RESPONSE TO PLAINTIFF'S</i>
)	<i>OPPOSITION TO DEFENDANT'S</i>
Defendant.)	<i>MOTION TO AMEND ANSWER &</i>
)	<i>COUNTERCLAIM</i>

I, Ira W. Heller, being of full age, do hereby certify:

1. I am the attorney for the Defendant in this matter and I am familiar with the facts in the above referenced matter. I submit this certification in response to Plaintiff's opposition to permitting the Defendant to file Counterclaims out of time.

2. In Mr. Szalkiewicz's opposition, he unfortunately resumes his invective against me and my client, which has unfortunately become common fare in virtually all of his Court submissions. Mr. Szalkiewicz has engaged in prolific letter writing to this Court in a clear effort to skew this Court's fair and impartial decision-making process via the use of inflammatory misinformation. Neither me nor my client have operated in bad faith as we have been repeatedly accused, but rather, have endeavored to navigate this litigation in good faith, and obtain a fair opportunity for my client to be heard and obtain adjudication on the merits. Mr. Szalkiewicz is unfortunately still acutely focused upon making sure that this will not happen.

Defendant's Right to Amend

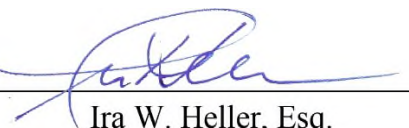
3. The right of the Defendant to amend her Answer and Counterclaims was afforded to her by both the Hon. Judge Wigenton, and the Hon. Magistrate Judge Kiel. The fact that some

of my past filings have been procedurally deficient is most certainly not intended as disrespect for this Court, but rather, an unfamiliarity for the procedures of this Honorable Court, and the Court's patience and the opportunity to refile has been greatly appreciated. Since it was not originally clear to me as to whether I was permitted to replace or add Counterclaims stated in our original filing, Magistrate Judge Kiel afforded us the opportunity to file this current Motion. Mr. Szalkiewicz seeks to have this construed as bad faith and irreverence for the Court, but nothing can be further from the truth.

4. Accordingly, as stated in our Motion's supporting legal brief, the law with respect to this issue permits this Court to liberally permit a party to amend their pleadings, so long as they are not "frivolous or advances a claim or defense that is legally insufficient on its face" (see *Harrison Beverage*, 133 F.R.D. at 468). We seek nothing more than a a fair adjudication on the merits, and thank the Court once again for this opportunity.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: May 1, 2024

By: 
Ira W. Heller, Esq.